

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:21-cv-00307-MR**

JASON RUSSELL SULLIVAN, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )  
                                )  
MECKLENBURG COUNTY, et al., )                         ORDER  
                               )  
Defendants.                 )  
                               )  
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**THIS MATTER** is before the Court *sua sponte*.

The *pro se* incarcerated Plaintiff filed this action pursuant to 42 U.S.C. § 1983 while he was a pretrial detainee at the Mecklenburg County Detention Center. [Doc. 1]. He is presently a pretrial detainee on South Carolina charges.<sup>1</sup>

On January 5, 2022, the Court issued an Order finding that the Complaint was abusive, and that it appeared that the Plaintiff had been found incompetent by a South Carolina court. [Doc. 12]. Accordingly, the Court dismissed the Complaint without prejudice for the Plaintiff to amend within 30 days, and to provide documentation demonstrating that he has now been

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<sup>1</sup> See [https://app.greenvillencounty.org/inmate\\_search.htm](https://app.greenvillencounty.org/inmate_search.htm) (last accessed Feb. 17, 2022).

found competent to proceed. [Id.]. He was cautioned that the failure to timely comply with the Order would result in this action's dismissal without prejudice and without further notice. [Id.]

The Plaintiff has failed to comply with the Court's January 5th Order, and the time to do so has expired. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for sua sponte dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE.**

**IT IS FURTHER ORDERED** that the Clerk of Court is directed to terminate this action.

Signed: February 18, 2022

**IT IS SO ORDERED.**



Martin Reidinger  
Chief United States District Judge

